

CITY COUNCIL MEETING
May 18, 1994

REQUEST THAT CITY ATTORNEY RESEARCH TYPES OF DOCUMENTS HE IS REQUIRED TO SIGN

Council Member Pennino suggested that the City Attorney research what documents (e.g. contracts, agreements, etc.) the City Attorney is required to sign and those he is not. City Attorney McNatt responded that he will look into the matter.

FILE NO. CC-90

CITY OF LODI
MEMORANDUM FROM THE OFFICE OF THE CITY ATTORNEY

To: Honorable Mayor & City Councilmembers
From: Bob W. McNatt, City Attorney
Date: June 7, 1994
Subject: City Attorney's Signature on Municipal Documents

Some time ago, a question was presented regarding the necessity of the City Attorney's signature on various City documents. Specifically, it was asked if the City Attorney must sign certain kinds of documents in order for them to be legal. Research has revealed that there are very few instances in which the City Attorney must sign documents by statute. However, it may be desirable in many other cases to have a signature line simply to show that the City Attorney's office has reviewed City documents which may have legal consequences at some future date.

Although this list is not exhaustive, examples of situations in which the City Attorney must sign documents are:

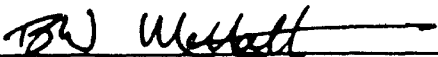
- Destruction authorization for old city records (Gov. Code §34090 et seq.)
- Certain kinds of legal pleadings on behalf of the City (for example, CCP §446)
- Ballot information (impartial analysis) for local ordinances going to the voters (Election Code §5011)
- Statements of Economic Interest (Gov. Code §87500)

Government Code §41802 also requires that the City Attorney "frame" all ordinances and resolutions for the City, but this statute does not require that the City Attorney thereafter sign such ordinances or resolutions. It is only required that the Mayor and Clerk sign ordinances for them to be valid (Gov. Code §36932).

As to contracts or agreements into which the City enters, although it is desirable for the City Attorney to review these, and to indicate such review by initials or signature, it is not required. Municipal contracts are valid as long as they are signed by someone with valid authority. The Council may authorize the City Attorney to execute such agreements on behalf of the City, but it is not required in order to be enforceable.

Please let me know if there are further questions.

Respectfully submitted,


BOB McNATT
City Attorney

BM:pn

cc: City Clerk
City Manager

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